

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BENEDICT R. GENCO,

Plaintiff,

v.

18-CV-93V(R)  
DECISION AND ORDER

WEBSTER SZANYI LLP,

Defendant.

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On January 18, 2018, the plaintiff commenced this action. Docket Item 1.

On February 5, 2018, this Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 4. On February 2, 2018, the defendant moved to dismiss, Docket Item 2; on February 9, 2018, the plaintiff responded, and on March 1, 2018, the plaintiff supplemented his response, Docket Item 10; on March 29, 2018, the defendant replied, Docket Item 12; and on April 9, 2018, the plaintiff filed a sur-reply, Docket Item 14. On March 7, 2018, the defendant moved for a permanent injunction, Docket Item 11; and the plaintiff responded on March 27, 2018, Docket Item 13. On June 6, 2018, Judge Roemer issued a Report and Recommendation (“R&R”), finding that the defendant’s motion to dismiss should be granted and that the defendant’s motion for a permanent injunction should be denied. Docket Item 18. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Roemer's recommendation to grant the defendant's motion to dismiss and to deny the defendant's motion for a permanent injunction.

For the reasons stated above and in the R&R, the defendant's motion to dismiss, Docket Item 2, is GRANTED; the defendant's motion for a permanent injunction, Docket Item 11, is DENIED; the complaint, Docket Item 1, is dismissed; and the Clerk of Court shall close the file.

SO ORDERED.

Dated: August 10, 2018  
Buffalo, New York

s/ Lawrence J. Vilardo  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE